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State of New Hampshire
OFFICE OF ATTORNEY-GENERAL

May 31, 1956

SEP 22 1998

CONCORD, N.H.

Mr. Roy T. Lang, Director of Personnel
Division of Personnel
State House
Concord, New Hampshire

Dear Mr. Lang:

You have inquired relative to a suggested amendment to the compensation plan for state employees recommended by the Personnel Commission under appropriate authority and reading as follows:

"That the compensation plan be amended effective at once, and to continue until June 30, 1957 by temporarily adjusting civil engineering classes within the classified state service by 20% over the base salary ranges presently in effect."

and whether funds to implement such amendment under the authority of the Salary Adjustment Fund may be transferred to general fund agencies as distinct from self-sustaining agencies such as the Department of Public Works and Highways.

In my opinion, the answer to your question must be in the affirmative.

Examination of RSA 99:4 reveals that the second paragraph authorizes use of the Salary Adjustment Fund for transfer to departments and institutions of the state government in amounts deemed necessary to comply with RSA, chapter 98.

The latter chapter establishes the state employees personnel system and provides for establishment of a classification plan for all positions in the state classified service and for constant review of the operation of said plan and for such changes as the Personnel Commission may from time to time deem to be necessary and which become effective upon approval of the Governor and Council. See RSA 98:8.

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The second paragraph of RSA 99:4 was preceded by a limitation in the Budget Act of 1951, (Laws 1951, chapter 255, section 3) which limited the use of the Salary Adjustment Fund to meet emergency personnel needs for the employment of temporary help. However, this authority was substantially broadened by enactment of RSA 99:4 in 1953 at which time it was extended to include transfers "... to departments and institutions in amounts that are deemed necessary to comply with RSA, chapter 98." This use extends to the entire purpose of the personnel system rather than merely to use for emergencies or temporary personnel and for this reason upon Governor and Council approval of the foregoing amendment there may be certified to the Comptroller such use of the Salary Adjustment Fund of personnel in the classified service as is necessary to meet the increase recommended by your Commission.

It is noted that none of the increases suggested seeks to implement the salary of any official not in the classified service or whose compensation is fixed by special statute. (Cf. RSA 94)

Very truly yours,

Louis C. Wyman
Attorney General

LCW:W